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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,174	07/11/2001	Motoi Tariki	1232-4735	9369
27123	7590	06/10/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			TRAN, NHAN T	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/903,174	TARIKI, MOTOI	
	Examiner Nhan T. Tran	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 March 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 41-51 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 41-51 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/2/2005 with respect to claims 41-51 have been considered but are moot in view of the new grounds of rejection.

In addition to the new grounds of rejection, the Examiner would like to address the Applicant's arguments regarding Yamagishi reference. On page 6 of the Remarks, the Applicant asserts that Yamagishi discloses in col. 18, lines 16-22 and col. 22, lines 17-23 that if a dark capture process is forcibly ended in the middle of the process by the depression of the shutter switch SW2, the remaining process must be done after the image sensing process is completed. However, in response, the Examiner respectfully clarifies that the abovementioned mode is performed ONLY in QUICK PRESS continuous shot mode (see bottom section of Fig. 13) wherein *none* of dark frames has been captured yet so that the process must be done after the SW2 is on. The Examiner's interpretation is based on the NORMAL continuous shot mode when many dark frames are repeatedly captured (see top section of Fig. 13 and col. 23, lines 35-50). It is clearly shown in the NORMAL continuous shot mode that a plurality of dark frames are repeatedly captured *until* the shutter SW2 is turned on. In this NORMAL continuous mode, if the time interval between the ON timing of shutter switches SW1 and SW2 is long, for example it is long enough to *completely* capture 3 dark frames and then SW2 is turned on just right before capturing of a fourth dark frame, the image sensing process can be done based on the latest data which is the data of 3rd dark frame without the need to capture the 4th frame. This is

clearly shown in the flowchart of Figs. 11 & 12, col. 22, lines 25-27, wherein step S666 is skipped when the dark end flag is not set which means that there are enough dark frames for processing the sensing image using the latest dark frame (3rd dark frame as in the above example). Therefore, the Examiner believes that the interpretation of the Applicant's claimed invention has been clarified.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 41, 43-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi (US 6,710,807) in view of Suzuki et al (US 5,398,119).

Regarding claim 41, Yamagishi discloses an image sensing apparatus comprising:
an image sensor (14) as shown in Fig. 1;
a shielding member (shutter 12) capable of shielding a light to said image sensor from an object (Fig. 1; col. 4, lines 3-8 and col. 13, lines 55-61);
a storage area (memory 30) adapted to store first signals for at least two frames (two dark frames as shown in Fig. 13), wherein the first signals are generated by said image sensor

when a light to said image sensor from the object is shielded by said shielding member (col. 17, lines 31-46);

a first controller (system control circuit 50, memory control circuit 22) adapted to repeatedly write new first signals in said storage area (col. 17, lines 40-46);

a second controller (system control circuit 50, memory control circuit 22) adapted to stop writing a new first signal in the storage area when a capturing operation of a second signal (sensed image signal) is designated (SW2 is turned on), wherein the second signal is generated by said image sensor when a light to said image sensor from the object is not shielded by said shielding member (Figs. 1 & 13; col. 23, lines 35-50; col. 4, lines 43-47 and col. 17, lines 30-46).

It is noted that the combined first and second controllers are functional for repeatedly writing data into the memory 30 and that the dark capture is repeated until SW2 is turned on.

Yamagishi also discloses a correction unit adapted to correct the second signal based on most recent signal with a complete frame (latest complete frame) in said storage area before the capturing operation of the second signal is initiated (Fig. 13; col. 23, lines 45-50 and col. 17, lines 50-56).

Although Yamagishi teaches that the dark frames are repeatedly written into a predetermined area of the memory 30 until the shutter SW2 is turned on (see Fig. 13 and col. 23, lines 36-50) and the image correction is done based on the latest dark frame (col. 23, lines 48-50), Yamagishi does not *clearly* describe that the memory 30 is adapted to store first signals for at least two frames *independently* and that the first controller is adapted to repeatedly *overwrite* new first signals in the memory 30 of at least two frames in an alternative order, and the second

controller adapted to stop *overwriting* a new first signal in the memory 30 when a capturing operation of a second signal is designated.

However, since the memory 30 is partitioned into predetermined areas for storing plurality of frames including dark frame data and sensed image data (col. 17, lines 40-46 and col. 4, lines 65-66), it is technically seen from Yamagishi disclosure that the predetermined area of memory 30 can be configured for storing at least two dark frames independently in an obvious variation of memory configuration. One of obvious memory configurations is taught by Suzuki, wherein memory 31 is used to store a plurality sets of black level data in predetermined areas of the memory (Fig. 1; col. 2, line 55 – col. 3, line 14). It is further seen in Yamagishi that an operation of overwriting of new dark frames on previous dark frames would be inherently established because the partitioned area is limited to a certain number of dark frames (i.e., two dark frames). In this view, if the time interval between the shutter switches SW1 and SW2 is long enough for writing 3 or more frames, the predetermined or partitioned areas would be full after storing first and second dark frames, and new coming third and fourth dark frames would be overwritten on the old first and second dark frames. It is important in Yamagishi that only latest dark frames (before the SW2 is turned on in NORMAL continuous mode) are matter for image correction (col. 23, lines 48-50).

Therefore, it would have been obvious to one of ordinary skill in the art to configure the memory 30 to store first signals for at least two frames independently in an obvious memory configuration and that would cause the first controller to overwrite the predetermined area of the memory 30 with new dark frames on the old dark frames in an alternative order if the time interval between the shutter switches SW1 and SW2 is long and the second controller to stop

overwriting a new dark frame when the shutter switch SW2 is turned on since such configuration would yield more memory space for storing sensed image frames while only utilizing latest dark frames for image correction.

Regarding claims 43 & 44, it is shown in Fig. 13 in Yamagishi that new dark frames are captured and stored at a predetermined time interval in a photographing preparation state (between ON states of SW1 and SW2).

Regarding claim 45, as disclosed by Yamagishi in col. 17, lines 50-56, the sensed image signal is corrected to remove dark current noise. Inherent in Yamagishi is that the first signal (dark signal) stored in the memory must be subtracted from the second signal (sensed image signal) in order to remove dark current noise in the sensed image signal as disclosed.

Regarding claims 46 & 47, Yamagishi clearly shows that the first controller allows storage of the second signal in the storage area in continuous photographing (see Fig. 13; col. 23, lines 36-50 and col. 17, lines 38-46).

Regarding claim 48, see the analyses of claims 41 & 45.

Regarding claim 49, further disclosed is the first controller having a function of controlling the time of storage of electric charge to the image sensor during which a dark current

noise component is acquired (see col. 13, lines 55-61; col. 17, lines 24-29 and col. 23, lines 55-60).

Regarding claim 50, Yamagishi further discloses that the correction unit corrects the second signal based on a noise component stored in the storage area and the time of storage of electric charge to the image sensor during which the noise component is acquired (see col. 23, lines 36-60 and col. 17, lines 24-29).

Regarding claim 51, the method claim is also met by the analysis of claim 41.

3. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi and Suzuki as applied to claim 41 and in further view of Tomassi et al (US 5,606,707).

Regarding claim 42, Yamagishi and Suzuki are just silent about a teaching of whenever overwriting a new first signal for one frame generated by said image sensor on the first signal in said storage area, said first controller switches storage areas of the first signals on which the new first signal is to be overwritten.

As taught by Tomassi, it is well known that a memory is configured in a rotating buffer concept. This means that the memory is organized in a fashion whereby an address pointer is incremented through a memory range, such that after the address pointer reaches the end of its range, it simply increments back to the first location of the range. Therefore, once the data size

becomes greater than the buffer size, additional data entering the buffer overwrites the oldest data present in the buffer (see Tomassi, col. 24, lines 41-50).

Therefore, it would have been obvious to one of ordinary skill in the art to configure the predetermined area of the memory 30 in Yamagishi for storing dark frames using the rotating buffer concept taught by Tomassi as an obvious configuration of memory control to efficiently manage the use of memory.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.



DAVID L. OMETZ
PRIMARY EXAMINER